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JAN - 3 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

Attorneys for The Commonwealth of the  
Northern Mariana Islands Defendants

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,	)	CIVIL ACTION NO. CV 99-0017
	)	
Plaintiff,	)	
	)	
v.	)	<b>QUARTERLY STATUS REPORT</b>
	)	<b>FOR THE PERIOD ENDING</b>
COMMONWEALTH OF THE	)	<b>JANUARY 1, 2006</b>
NORTHERN MARIANA ISLANDS,	)	
GOVERNOR OF THE NORTHERN	)	
MARIANA ISLANDS,	)	
COMMISSIONER OF THE	)	
DEPARTMENT OF PUBLIC	)	
SAFETY, SECRETARY OF THE	)	
DEPARTMENT OF LABOR AND	)	
IMMIGRATION, SECRETARY OF	)	
THE DEPARTMENT OF	)	
COMMUNITY AND CULTURAL	)	
AFFAIRS,	)	
	)	
Defendants.	)	
	)	

**Background**

[1] The Consent Decree requires the Defendants to periodically transmit status reports. The Court Order of March 26, 2003 specified that status reports be filed, beginning on July 1, 2003 on a quarterly basis. Quarterly reports for the period ending July 1, 2003, October 1, 2003, January 1, 2004, May 1, 2004, July 1, 2004, October 1, 2004, January 1, 2005, April 1, 2005,

July 1, 2005, and October 1, 2005 were timely filed with the Court and US Department of Justice.

### **History and Progress**

[1] The Consent Decree was executed on February 25, 1999. Following a period of nearly four years, the parties reviewed the status of the Consent Decree. Concerns arose about the focus and reporting of compliance efforts. To address these concerns and improve future performance, the Commonwealth proposed a change in reporting from reporting once every six months to once per quarter. Later the Commonwealth implemented a change to the holding status of the Tinian Detention Facility to limit detention downward from the previously authorized period of 48 hours to a maximum of 16 hours. This reduction in detention time reflected concerns about conditions at the Tinian Detention Facility. The maximum 16-hour period remains in effect pending renovation of the facility.

[2] The old juvenile detention facility has been closed and the new Kagman Facility opened for operations in the spring of 2004. It has consistently operated in substantial compliance with provisions of the Consent Decree. The population has generally averaged about 7 juveniles per day, substantially below the facility's rated capacity of 40.

[3] In coordination with the US Department of Justice, the old Immigration Detention Facility<sup>1</sup> was closed and temporarily relocated to the Kagman Facility<sup>2</sup>. Civil detainees are now housed at the Susupe Facility.

[4] A new adult correctional facility has been constructed at an investment of approximately \$20M. It is now substantially completed.

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<sup>1</sup> The old Immigration Detention Facility was located near the Saipan Airport. The facility had significant design flaws and limitations; monthly rent was \$4,000 and significant staff overtime cost substantial Commonwealth resources. Closure and relocation of this facility was designed to deal with all of these issues.

<sup>2</sup> Sight and sound separation between civil detainees and juvenile detainees was consistently maintained. Monitoring was ongoing by Kagman Facility management, Consent Decree Coordinator, and the Office of Juvenile Justice and Delinquency Prevention.

### **Quarterly Report**

[5] Substantial changes have occurred during this reporting period:

- In November, Benigno R. Fitial was elected Governor. A Transition Team representing the Governor/Lt. Governor-Elect has undertaken a review of all activities including the Consent Decree<sup>3</sup>. Governor-Elect Benigno R. Fitial<sup>4</sup> will assume office on January 9, 2006.
- Michael A. O'Toole, Chief Operating Officer of the Department of Corrections, resigned effective December 15, 2005.
- Victor A. Mesta, Director of the Division of Youth Services, resigned effective December 24, 2005.

[6] Operationally, there have been several significant accomplishments during this reporting period:

- A class of 25 correctional officers completed an eight-week training course and has joined the Department of Corrections operational staff.
- Under the direction of Michael A. O'Toole, the DOC Transition Team was given dedicated space in the new facility and has worked on new policies and procedures and other aspects related to the opening of the new facility. DOC Major Juan Ayuyu has been appointed to lead the Transition Team.
- Civil detainees have been integrated into the Susupe Facility. This has created the potential to move female DOC detainees to the Kagman Facility<sup>5</sup>. This transfer will,

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<sup>3</sup> Following the election, the Transition Committee requested that no new contracts be executed pending the new administration taking office. Based on this request, certain activities have been placed on temporary hold. These have included contracts for FFE (furniture, fixtures and equipment) for the new Susupe Facility, request for bid for renovations of the Tinian Detention Facility and Rota Detention Facility using VOI-TIS funds.

<sup>4</sup> Governor-Elect Fitial has most recently served as Speaker of the House for the Commonwealth Legislature. In this role he has routinely received Quarterly Consent Decree reports.

<sup>5</sup> The transfer of females has been delayed because an air compressor failed in Building "A" of the Kagman Facility. Because of this, the juveniles were moved to Building "B." Once the new air compressor is installed, the juveniles will be moved back to Building "A" and the DOC females will be transferred to Building "B." As with the prior use of Building "B" for civil detainees, constant sight and sound separation will be maintained between DOC detainees and the juvenile population.

in turn, create greater capacity for the RSAT (Residential Substance Abuse Treatment) program.

- The Kagman Facility has continued operations in substantial compliance with provisions of the Consent Decree.
- The Department of Public Works retained the services of Eric Carungay, an electrical engineer, to serve as an interim resource for the maintenance of complex facility systems.

[7] A number of Consent Decree-related initiatives are contemplated during the next quarter, subject to the direction of Governor Fitial:

- Appointment of DOC Secretary and appropriate administrative staff
- Executive Directive regarding the CNMI Consent Decree Coordinator
- Coordination with US Department of Justice
- Continuation of the Prison Working Group<sup>6</sup>
- Approval of plans related to the following:
  - Complete construction including purchase and installation of FFE (furniture, fixtures and equipment)
  - Complete program planning
  - Fund<sup>7</sup>, recruit, train and assign staff
  - VOI-TIS funded renovation of Tinian Detention Facility and Rota Detention Facility
  - Joint training coordination with Northern Marianas College
- Scheduling opening of the new adult facility<sup>8</sup>

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<sup>6</sup> Members include: Edward Buckingham, Consent Decree Coordinator, the CNMI Attorney General, Chief Operating Officer, Department of Corrections, Jun Avila, Office of Management and Budget, Frank Gibson, Office of Personnel Management, Doris Pladevega, Executive Director, Criminal Justice Planning Agency, Department of Public Works Richard N. Cody, DYS Director, and JDU Supervisor Floyd Masga.

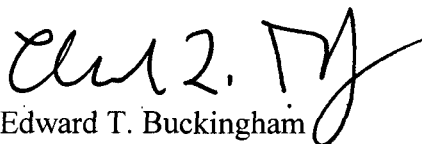
<sup>7</sup> A transition and staffing plan was transmitted with the Quarterly Report for the period ending October 1, 2005. There presently remain 18 positions to be filled the full housing/security complement. Additional areas include: facility food service, medical service, system infrastructure maintenance.

<sup>8</sup> The earliest projected opening date is now June, 2006. This should be viewed as a "soft" projection.

[8] Information related to facility operations during this reporting period is attached. As noted above, the increase in correctional officers available for the Susupe Facility represents a substantial improvement. The Kagman Facility continues operations which are in substantial compliance with provisions of the Consent Decree. The Rota Detention Facility<sup>9</sup> and Tinian Detention Facility should be viewed as works in progress pending renovations contemplated until the VOI-TIS grant.

[9] The CNMI intends to continue its progress and efforts to maintain and improve compliance with the Consent Decree and, at an appropriate time, seek closure of the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed T. Buckingham", written over the printed name.

Edward T. Buckingham  
Consent Decree Coordinator / Attorney for Defendants

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<sup>9</sup> The reported information from the Rota Detention Facility for this quarter is limited. Additional information should be available as plans move forward to complete facility renovations pursuant to the VOI-TIS grant.

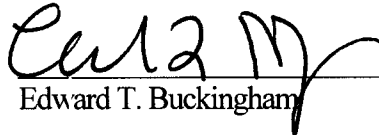
**Certificate of Service**

The undersigned hereby certifies that Federal Express sent a true and correct copy of this STATUS REPORT including all attached exhibits to the following:

Laura L. Coon, Trial Attorney  
Special Litigation Section – PHB  
950 Pennsylvania Avenue N.W.  
Washington, DC 20530

DATED: JANUARY 3, 2006

By:

  
Edward T. Buckingham